

CHAPTER LXXV III.

An Act to Incorporate the City of Marine.

- CHAPTER 1. City boundaries.
 2. Election of officers and vacancies.
 3. Powers and duties of officers.
 4. City Council—its general powers and duties.
 5. Taxes—manner of assessment, levying and collecting.
 6. Opening of Streets, Lanes, &c.
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Be it enacted by the Legislature of the State of Minnesota :

CHAPTER I.

CITY BOUNDARIES.

SECTION 1. All that part of the county of Washington contained within the limits and boundaries hereinafter described, shall be a city by the name of Marine; and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Marine, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. The territory included within the following boundaries and limits, shall constitute the city of Marine: Beginning at the north-east corner of township number thirty-one (31), north range twenty (20), west of the fourth principal meridian, running thence west to the middle of the north-east quarter, section number one (1), thence south one mile and a half, to the middle of the east half of section number twelve (12), thence east to the middle of the Saint Croix River, to the eastern boundary line of the State; thence northerly along the State boundary line to its intersection with the northern boundary line of township number thirty-one (31) north, range (19) west, thence west along said township line to the place of beginning; *Provided*, That nothing herein contained shall be deemed to exclude any portion of the City of Marine, from the limits of Washington County.

CHAPTER II.

ELECTIONS.

Annual elections SEC. 1. At the annual elections of city officers shall be held on the second Tuesday in May of each year, at such place within the city as the City Council shall designate, and the polls shall be kept open from twelve o'clock at noon, until four o'clock in the afternoon, and ten days previous, notice shall be given by the City Council, of the time and place of holding such elections, and the officers to be elected, by posting notices thereof, in at least three of the most public places in the city, or by publishing the same in at least one of the papers printed in said city.

Elective officers SEC. 2. The elective officers of the city shall be a Mayor, Recorder, City Justice, and three Councilmen. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the City Council. All elective officers shall hold their respective offices one year, and until their successors are elected and qualified; *Provided, however,* That the City Council shall have power for due cause to expel any of their own members and remove from office at pleasure, any officer or agent under the city government, due notice first being given to the officer complained of.

Vacancies--how filled SEC. 3. Whenever a vacancy shall occur in the office of Mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office, shall be filled by the City Council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Plurality vote for an election SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; whenever two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council, at such time and in such manner as they may direct.

Who may vote SEC. 5. All persons entitled to vote for County and State Officers, and who shall have resided in the city for four months, next preceding the election, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Manner of holding election SEC. 6. The elections in said city shall be held and conducted by the City Councillors or any two of them, who shall be Inspectors of Elections, and who shall take the oath or affirmation prescribed by the general laws of this State, to be taken by the Judges and Inspectors of Elections, and the Recorder, or in his absence some person to be appointed by the Inspectors shall be Clerk.

The Inspectors shall have power in the absence of the Recorder, to appoint a Clerk, and to administer the necessary oaths.

Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the Board of Inspectors thereof filled, as required by the general laws of this State regarding elections.

Sec. 7. If either of the Inspectors shall suspect that any person offering to vote does not possess the qualifications of an Elector, the Inspectors before receiving the vote of any such person, shall require of him to take the following oath: "You do solemnly swear (or affirm as the case may be,) that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intentions to become a citizen conformably to the laws of the United States, on the subject of naturalization,) that you have resided in this city four months, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager, depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, otherwise, rejected. And if such person shall take such oath falsely, he shall be guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. And if any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the Inspectors to keep a list of all the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any Clerk shall intentionally or corruptly fail to write down the name of every voter as he votes, or shall wilfully and corruptly make untrue and incorrect accounts and tallies of votes, each and every such Inspector and Clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars. All such indictments shall be tried in the District Court of the County of Washington.

Sec. 8. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said Inspectors shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such returns to the City Recorder, who shall within five days, give notice to each of the persons so elected, of their respective elections. But at the first election under this Charter, the

Person offering to vote not possessing qualification — oath

Penalty for illegal voting

Return of votes polled

returns shall be made in the same manner as prescribed by law for making returns of the election of county officers.

Special elections

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Councilmen in the same manner, and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by ordinance.

Vacation of office

SEC. 10. Any officer removing from this city, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated his office, and the City Council may proceed to fill such vacancy, as herein prescribed or provided by ordinance, not in conflict with the provisions hereof.

Failure to elect—new election

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the City Council may order a new election to be held, ten days notice of the time and place of holding the same to be given as in general elections.

CHAPTER III.

OFFICERS.

Oath of office for city officers

SEC. 1. Every person appointed or elected to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Recorder of the city; and the Treasurer and Marshal, and such other officers as the City Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Marine, a bond with at least two sureties, to be approved by the City Council, and such bond shall contain such conditions as the City Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the Mayor

SEC. 2. The Mayor shall, when present, preside over the meetings of the City Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Councilmen may call special meetings of the City Council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violations of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the City Council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required

of him by any ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out any volunteer companies of the city, to aid him in suppressing the same in carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to the city a fine not exceeding twenty-five dollars, and not less than five dollars.

Sec. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the case,) to add to the judgment for the fine, that he be removed from office.

Penalty for improper discharge of duties

Sec. 4. In case the Mayor is absent from any meeting of the City Council, they shall proceed to elect of their own number a temporary presiding officer, who for the time being shall discharge all the duties of Mayor.

Absence of Mayor

In case of the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the Council shall elect, by ballot, from their own number, an officer who shall be styled Acting Mayor, and all acts performed by him shall have the same force and validity as if performed by the Mayor.

Sec. 5 The Recorder shall keep the corporate seal and all the records of the city, and keep a record of all the proceedings of the City Council. He shall draw and countersign all orders on the Treasury, in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by the City Council. The Recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office, and transcripts from the records of the City Council, certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the originals were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of June. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the City Council. He shall negotiate, between the first of June and the collection of taxes for the same year, such temporary loans for the city as the City Council may direct, anticipating the revenue for the current year, and such loan shall be subject to the approval of the City Council.

City Clerk—his duties

oil. He shall examine the report, books, papers, vouchers and accounts of the Treasurer, and from time to time, perform such other duties as the Council shall direct. All claims against the city, before they are allowed by the City Council, shall be audited and adjudged by the Mayor. The Recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city.

City Attorney--
his duties

SEC. 6. The City Council shall have power to elect an Attorney for the city, who shall perform the duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the City Council or its Committees.

City Treasurer
--his duties

SEC. 7. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the City Council shall from time to time direct. The Treasurer shall exhibit to the City Council at least fifteen days before the annual election or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the Recorder.

City Marshal
--his duties

SEC. 8. The Marshal shall execute such orders as are made, and perform such duties as are prescribed by the City Council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees, but shall not serve civil process except when the city is a party, and shall be collector of taxes.

Further duties
of city officers

SEC. 9. The City Council shall have power, to require from time to time, other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and for the compensation of all officers elected or appointed by them. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The City Council may at any time fix the compensation of any officer or committee for any incidental service by them performed.

Printer for the
city

SEC. 10. The City Council at their first meeting in each year, or as soon thereafter as may be, shall designate one or two newspapers, in their discretion, printed in the city, in which shall be published all ordinances and other proceedings and matters required by this Act, as by the by-laws or ordinances of the City Council to be published in a public newspaper.

Sec. 11 The city printer or printers, immediately after the publication of any notices, ordinance, or resolution, or other matters which by this Act is, or by city ordinance shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Affidavits of publication of city ordinances or orders

Sec. 12. Any person having been an officer of said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in cases of unlawful detention of property.

Delivery of papers to successors in office

Sec. 13. No member of the City Council shall be party to, or interested in any job or contract with the city, and any contract in which any member of the City Council may be so interested, shall be null and void.

Members of council not to be interested in contracts with city

Sec. 14. The Mayor, Sheriff of Washington county, and each and every Councilman, Justice of the Peace, Marshal, Recorder and Constables of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

Peace officers

Sec. 15. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceeding to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of the said county of Washington, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as other Justices of the Peace; *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, or affect in any manner the jurisdiction of the District Court of Washington county, or Su-

City Justice--his duties

preme Court of the State. In case of the absence, sickness or other disability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the City Attorney and Marshal of such appointment, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed, shall, for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city, *Provided*, That nothing herein contained shall be deemed or so construed as to oust the city Justice of the Peace of his jurisdiction, but the Justice so appointed, until his appointment is vacated, shall have concurrent jurisdiction with the City Justice, and shall receive like fees for his services, as said Justice of the Peace for the city.

Justice to make report to council
 SEC. 16. The Justice of the Peace shall quarterly report to the City Council, a list of all the proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and shall be entitled to receive from the county of Washington such fees in criminal cases as are allowed to other Justices of the county for similar services.

City Surveyor
 SEC. 17. There shall be annually appointed by the City Council, a City Surveyor, who shall hold his office for one year and until his successor be appointed and qualified, and the City Council shall prescribe his duties and fix the fees of compensation for any services performed by him; all surveys, [profiles,] plats or other estimates made by him for the city, shall be the property of the city, and carefully preserved in the office of the Recorder, open to the inspection of the parties interested.

CHAPTER IV

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

Who are the city council
 SEC. 1. The Mayor and Councilmen shall constitute the City Council, and the style of all ordinances shall be: "The City Council of the City of Marine do ordain." ¶The City Council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. But the first City Council elected under this Act, shall meet at the District School House, on the first Monday in June at seven o'clock, P. M. The City Council shall determine the rules of its proceedings, and be judges of the election and qualification of their own members, and have power to compel the attendance of absent members.

SEC. 2. The City Council shall have the control and management of the finances and of all the property of the city, and the City Council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law, and for these purposes, shall have authority by ordinance, resolutions, or by-laws; *Provided*, That they be not repugnant to the Constitution and laws of the United States, or of this State.

Powers of the
council

First. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this Act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the Council shall direct, and that no licence shall be granted for a less term than one year.

To grant licenses

Second. To restrain or prohibit all E. O. or rolette tables, fano or pharo banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving, or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions, or prohibiting by fine or imprisonment, or by both fine and imprisonment.

To restrain
gambling and
tippling houses

Third. To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the city.

To prevent
riots &c

Fourth. To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from

To make health
regulations

time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

To locate slaughter houses &c *Fifth.* To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

Streets *Sixth.* To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, firewood, lumber or any other material or substance whatever.

Horse-racing *Seventh.* To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.

Public grounds *Eighth.* To restrain the running at large of cattle, mules, swine, sheep, poultry and geese, and to authorise the impounding, distraining and sale of the same.

Dogs *Ninth.* To prohibit the running at large of dogs, to impose fines on their owners, and to authorise the destruction of dogs when at large contrary to the ordinances.

To make health regulations *Tenth.* To prevent any person from bringing, depositing, or having within the city, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or from any street, lane or alley, if he shall have thrown or put the same in any street, lane or alley, and on default, to authorise the removal thereof by any competent officer, at the expense of such person or persons.

Public works and licenses *Eleventh.* To make and establish public [pounds,] grounds, pumps, wells, cisterns, and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

Burial grounds &c *Twelfth.* To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the returns of mortality, and to exempt burial grounds set apart for public use from taxation.

Weight of bread *Thirteenth.* To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Side walks *Fourteenth.* To prevent all persons from riding or driving any ox, cow, horse, mule, or other animal on the sidewalks of the city, or in any way doing damage to such sidewalks.

Fire arms *Fifteenth.* To prevent the shooting of fire-arms, crackers, rockets, or other projectiles, and to prevent the exhibition of any fire-works in any situation which may be deemed by the Council dangerous to the city or any property therein, or annoying to any citizen thereof.

Sixteenth. To restrain drunkards, immoderate drinking of

intoxicating beverages, brawling and obscenity in the streets ^{Drinking and} or public places, and to provide for arresting, removing and ^{obscenity} punishing any person who may be guilty of the same.

Seventeenth. To restrain and regulate runners and solicitors ^{Runners} for boats, vessels, stages, public houses, railroads, and other establishments, and to regulate the police of the city.

Eighteenth. To establish public markets and enforce rules, ^{Markets} and regulations for the government of the same.

Nineteenth. To regulate the place and manner of selling, ^{Measuring hay} and to provide for the inspection and weight of hay, and ^{and coal} stone coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Twentieth. To compel the owner or occupants of build- ^{Rubbish from} ings or grounds to remove snow, dirt or rubbish from the ^{streets} side walks, streets or alleys opposite thereto; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Twenty-first. To regulate the construction of wharves, or grading of such wharves into the St. Croix River, within the ^{Wharves} corporate limits of the city, and to prescribe and control the prices of wharfage thereon.

Twenty-second. To regulate, by law, ferries within the city ^{Ferries} limits, and provide for licensing the same.

Twenty-third. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or ^{Sanitary regu-} infective diseases or disorders, and make such other regula- ^{lations} tions as they shall deem proper to prevent the introduction of contagious diseases into the city.

Twenty-fourth. To regulate the time, place and manner of ^{Auctions} holding public auctions or vendues.

Twenty-fifth. To provide by ordinance for a standard of ^{Weights and} weights and measures, and for punishment for the use of ^{measures} false weights and measures.

Twenty-sixth. To appropriate money and provide for the ^{City expenses} payment of the debts and expenses of the city.

Twenty-seventh. To alter, abolish, open, widen, extend, es- ^{Grades of} tablish, grade, repair or otherwise improve or keep in repair ^{streets} streets, avenues, lanes and alleys.

Twenty-eighth. To establish, regulate and support night ^{Watch} watches.

Twenty-ninth. To provide for the erection of all needful ^{City buildings} buildings for the use of the city.

Thirtieth. To provide for the enclosing, improving and ^{Public grounds} regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees.

Thirty-first. To regulate and tax merchants, retailers, tav- ^{Tax on mer-} erns, groceries, ordinaries, hawkers, pawn brokers, and ^{chants} money changers.

Thirty-second. To license and regulate porters and fix the ^{License to reg-} price of portage. ^{ulate porters}

Inspector of
flour &c

Thirty-third. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

Thirty-fourth. To regulate and order parapet walls and other partition fences.

Thirty-fifth. To provide for taking, from time to time, the enumeration of the inhabitants of the city.

OF FIRES.

Fire limits

Thirty-sixth. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire proof, shall not be erected, placed or repaired, and to direct that all or any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall have been damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damage.

Fire regula-
tions

Thirty-seventh. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure position, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits.

Fire engines &
apparatus

Thirty-eighth. The City Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Passage of or-
dinances—pub-
lic notice there
of

Sec. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the City Council, and be signed by the Mayor, and shall be published in the official paper of the city, or posted for ten days in three of the most public places in the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the posting of the same or the publication thereof, as aforesaid, respectively, shall be proved by the affidavit of the foreman

or publisher of such newspaper, or the certificate of the Recorder of such posting, and the said affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication or posting. No appropriation shall be made without a majority of the City Council in favor of it, and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Sec. 4. The powers conferred upon the City Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill fame, disorderly taverns, and beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without the license required therefor, within the limits of the city, are hereby declared and shall be deemed public or common nuisances. Prosecutions or proceedings in courts

Sec. 5. The Common [City] Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the time for which such officers were appointed or elected shall have expired, and the Council shall require each and every such officer or agent to exhibit his books, accounts, and vouchers for such examination and settlement, if any such public officer or agent shall refuse to comply with the order of said Council in discharge of their duties, in pursuance of this section, the Council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The Council shall make full record of all such settlements and adjustments. Accounts of city officers

Sec. 6. The City Council shall have power to order and contract for making, grading, repairing, cleansing, improving and adorning of streets, lanes, alleys, public grounds, reservoirs, gutters, sewers, and wharves within the city. Making and repairing streets &c

Sec. 7. Whenever the City Council shall deem it necessary to construct or repair any side walk within the city, they shall direct the owner or occupants of any lots adjoining such side walk, to make or repair the same, at his or their own proper cost and charge, and in such a manner and within such time as in such direction specified. If such work is not done in the manner, and within the time prescribed, the City Council shall cause the same to be done at the expense of the lots adjoining such sidewalks.

Sec. 8. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public ground and reservoirs, and

Costs and expenses of surveying and making streets &c

Street improvements how to be paid

Estimate of the work to be made and charged to each lot

Remonstrance of lot owners—proceedings thereon

estimating work thereon, and of cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be paid out of the city funds; [but the expense of] opening, grading, graveling, planking or paving streets and alleys, and to the centre thereof, shall be chargeable to and payable by lots fronting on such streets or alleys. Sewers may be ordered by the City Council, to be built at the expense of the lots or parcels of land to be benefited thereby, and which shall be apportioned by said City Council among said lots or parcels of land.

SEC. 9. Whenever the City Council shall determine to make any public improvements as authorized by Sections six, seven and eight of this Chapter, they shall cause to be made an estimate of the whole expense thereof, and the proportion to be assessed and charged to each lot, and in the case of grading streets, alleys and side walks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed in the office of the City Recorder for the inspection of parties interested. The City Council shall give notice by advertisement for two weeks in the official papers to the owner or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked, or paved, requiring them to do the work mentioned in such notices, within a reasonable time, therein to be specified, and if said work be not done within said time, the City Council shall enter into contract for the doing thereof.

SEC. 10. Whenever the general interest of the city requires a deep cutting or extraordinary filling in any street, and the owners of the lots or parcels of land fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the City Council in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the City Council shall appoint five free-holders not interested in said lots or parcels of land, who first being duly sworn, faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed, refuse or are incapacitated to serve, the Council shall appoint others in their stead. Upon examination of the premises, if in their opinion the cost of such improvement shall exceed the benefits to be derived therefrom, it shall be their duty to report to the City Council, and shall specify in such report what portion of the work to be performed shall be chargeable to such lots, and how much or what proportion shall be chargeable to the city funds, and such part or portion as shall be so reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder paid out of the city fund; *Provided*, That such representation or petition

shall not be received unless presented within ten days after the first publication of the notices requiring the work to be done; *And Provided further*, That it shall be the duty of the City Council to appoint such commissioners whenever it shall appear to them that such lands or lots belong to infants or other persons under legal disability, not represented by guardians.

Sec. 11. The City Council shall have power to regulate and cause to be constructed, altered and maintained, wharves along the River Saint Croix, and shall have and exercise the same control over the said river that they possess by virtue of this Act over the streets and alleys in said city. The expenses of constructing, altering, grading, paving and maintaining the same, shall be apportioned by the City Council among, and is hereby made payable by the lots or parcels of land extending to said river, in proportion to the work done opposite to said lot or parcel of land, to be estimated by the surveyor; *Provided, however*, That before causing such work to be done, the same notice shall be given as is required in the case of grading the streets; *Provided, further*, That the owners of such lots shall have the same power of petitioning the City Council as is provided by Section ten of this Chapter, in regard to grading the streets and alleys, when the same proceeding shall be had, and the work apportioned as therein provided.

Sec. 12. After the completion and performance of any contract entered into by the City Council for the work chargeable to lots or lands by virtue of this Act, they shall give to the contractor or contractors a certificate under the hand of the Mayor and seal of said City Council, stating therein the amount of the work done by such contractors, the nature thereof, and description of the lot or parcel of land upon which the same is chargeable, which said certificate shall be transferrable by endorsement thereon, and shall bear interest at such rate as the Council shall direct; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed and levied upon the said lots or parcels of land respectively, and collected, together with interest up to the time of such collection, such as the certificate shall bear, for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this Act; and if the notice to do the work required shall have been given, no informality or error in the proceedings shall vitiate such assessment, and in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for the payment thereof.

Sec. 13. In all cases where work shall be ordered to be done by the owner of any lot under the provisions of this Act, such owner may make his appeal as hereinafter provided in cases of taking property for the public use at any time

Wharves may
be constructed/

Street certifi-
cates how to be
issued

within twenty days after the publication of the notice required to be given, and until the expiration of twenty days no such order shall be given.

CHAPTER V.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property sub-
ject to taxa-
tion

Sec. 1. All property, real and personal, within the city, except such as may be exempt by the laws of this State, or by ordinances of this city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed four mills on the dollar of real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar, in any one year, to be levied by the city council.

Appointment
of assessors

Sec. 2. The City Council shall annually before the first Monday in March of each year, appoint two persons city assessors, who shall have and possess the same powers that are or may be enforced by the laws of this State upon township and county assessors, except so far as they may be altered by this Act; *Provided*, That the City Council may prescribe the form of the assessment rolls, and may fully define the duties of assessors, and make such rules and regulations, in regard to revising, altering or adding to such rolls, as they may, from time to time, deem it advisable.

Oath and du-
ties of asses-
sors

Sec. 3. The assessors so appointed, are hereby authorized to administer such oath as shall be required by this Chapter, and within fifteen days after their appointment; the said assessors shall make out a complete and accurate assessment roll, which shall contain a description sufficient to identify the sum of all the lands, lots, or parcel of lands within said city, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation tax, and opposite to each parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in another column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Objections to
assessments
how made

Sec. 4. When the assessment roll shall be completed, the assessors shall fix a time and place, when they will meet for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment; and give one week's notice thereof, in the official paper, or give notice thereof, by posting notices in three of the most public places

in the city, and after hearing such objections the assessors may make such alterations or revisions as justice and equity may require.

Sec. 5. Within six days after the time limited for hearing such objections, the assessors shall return the said assessment roll to the City Council, and they may confirm or refer the same back to the assessors. The City Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same; *Provided*, They shall not increase the amount of said roll, except by the value of such real property as may have been omitted.

Powers of council over assessment roll

Sec. 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the Recorder, and an order confirming the same shall be entered in the proceedings of the City Council; thereupon the said City Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized limits.

Filing and confirming of the roll

Sec. 7. All taxes and assessments, general or special, levied under this Act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the order confirming the assessment-roll, and upon all personal property of any person or body politic, from the time of delivery of the warrant for the collection thereof to the Marshal, until such tax shall be paid; and no sale or transfer of such real or personal estate after said time shall effect said lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes.

Taxes to be a lien upon property until paid

Sec. 8. As soon as the tax shall be levied, the Recorder shall copy the same in a book provided for that purpose, setting opposite of each tract of land, and to each person named under the proper columns, such sum or sums of money as may have been levied upon such lot or against such person. The said copy shall be designated the tax-list, and to it shall be appended a warrant, signed by the Mayor and Recorder, and sealed with the corporate seal of said city, directed to the Marshal, requiring and commanding him to collect the taxes and assessments on said list, specified in the manner prescribed by this Act; and in case said taxes and assessment shall not be paid within such times as therein specified, then to proceed to sell the several lots or parcels of land, or those parts thereof upon which said taxes and assessments shall remain unpaid, and make due return to the City Council within such time as shall be fixed in said warrant.

Tax list to be made out by recorder

Sec. 9. Such tax-list, before being delivered to the city Marshal, shall be compared by the Recorder with the assessment-roll as confirmed; he shall affix to it his certificate, that the same has been so compared by him, and that the whole of said assessment-roll has been copied into such tax-

Certificate of its correctness

list; and the said tax-list, when so certified, shall be *prima facie* evidence in any Court that the land or persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of the tax by the Marshal

SEC. 10. On the receipt thereof, the Marshal shall give one week's notice thereof in the official paper, or shall give ten days' notice thereof by posting up notices in three of the most public places in said city. Such notices shall specify that taxes on personal property shall be paid thirty days from the first publication of such notice, or from the first day of posting the same, and taxes and assessments on real estate before the first day of August following, or the last day of December following; that if such taxes are not paid till after the first day of August, interest will be charged at the rate of two per cent. a month, after said first day of August, upon all unpaid taxes, and if paid before said first day of August no interest will be charged, and that all taxes or assessment specified in said tax-list, upon which said taxes or assessments shall not be paid by the last day of December, will be sold at a certain time and place to be therein specified, for the payment of such taxes and assessments;—and the publication or posting of such notice or notices shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Sale of personal property for tax

SEC. 11. At the expiration of thirty days mentioned in the preceeding Section, the Marshal shall proceed to enforce the collection of the taxes on personal property, in the same manner prescribed in Chapter twelve of the Revised Statutes of the Territory of Minnesota; and if any such personal tax shall not be paid or collected in consequence of the neglect or delay of the Marshal, the City Council may sue and recover the amount thereof from said Marshal and his sureties.

Sale of real estate for taxes

SEC. 12. On the day and at the place designated in the Marshal's notice, he shall commence, by public auction, the sale of all tracts and lots of lands, or parcels thereof upon which the taxes or assessments shall remain unpaid, and continue the said sale from day to day until the whole of said tracts, lots or parcels of land are disposed of. On receiving the amount of such purchase-money, the Marshal shall issue to the purchaser a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem shall expire. The Marshal shall keep a record of the lots or tracts sold, the name of the purchaser, the date of sale, and the amount received for taxes and charges respectively, the time when, by whom and for what amount the same was redeemed, and the time and to whom the same was conveyed, if not redeemed, and the Recorder shall act as clerk at such sale.

SEC. 13. In case any purchaser at such tax sale shall neg-

lect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock in the morning following the day of such sale, the Marshal shall immediately offer such tract again for sale, and the person bidding off at such sale, any tract or lot of land, and refusing or neglecting to pay for the same by ten o'clock of the day following the day of sale, shall forfeit and pay to the city five dollars for each lot so purchased, and refused, or neglect-d to be paid for, to be sued for and collected as other penalties under this Act.

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or by any other person having an interest therein, at any time within three years after the day of sale, by paying to the Marshal, the amount for which the same was sold, including taxes and charges, together with the interest thereon, at the rate of twenty-five per cent. per annum, and the legal charges and taxes thereon since the time of sale. If the estate of an infant or lunatic be sold, the same may be redeemed upon like terms, within one year after such disability is removed, or at any time before the expiration of such time.

Redemption of property sold

SEC. 15. Any tract or parcel of land sold in pursuance of this Act, or any part thereof which shall not be redeemed within three years from the day of sale, shall be conveyed to the purchaser, his heirs and assigns, as herein provided.

Redemption to be within 3 years

SEC. 16. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described, in his own name, and with the same effect as though he had been the original purchaser.

Tax certificate assignable

SEC. 17. In case at any sale of real or personal estate for taxes and assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the Marshal shall execute to the city, in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and the city shall be vested with the same rights as other purchasers, and which said certificate shall be filed with the City Treasurer. If the city shall become the purchaser of any personal property by virtue of this Chapter, the Treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the City Council may authorize the the Treasurer to sell the certificate issued therefor for the amount paid therefor, with interest, and to endorse and transfer such certificate to the purchasers thereof.

City to bid in property if no other bid is offered

SEC. 18. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted, for such year or years that it shall have been so omitted,

Omission of assessment how remedied

the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the city Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may have come. Should any tax or assessment upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same or other matter, but not affecting the equity or justice of the tax itself, the City Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the City Council shall direct;—and the said tax or assessments so re-assessed and re-levied shall be and continue a lien upon such tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Tax deeds evidence of tax **Sec. 19.** All deeds purporting on their face to be executed on account of sales for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of the facts recited in such deeds as far as they affect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

Instructions herein given only directory **Sec. 20.** All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, and not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment or of the title conveyed, under any sale for taxes under this Chapter.

..
Marshal's duty **Sec. 21.** The Marshal shall receive the moneys that may be legally tendered him for the redemption of lands sold for taxes; and he shall keep account thereof, and immediately pay the same over to the City Treasurer, and take his receipt therefor, who shall also keep an account thereof, and the Treasurer shall pay the same over on demand to the person entitled to receive the same. The Treasurer shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver to his successor all redemption moneys in his hands, with a statement of the amount so received, and the amount and to whom paid.

Sec. 22. In all cases under the provisions of this Act whereby any charge or assessment is made a lien upon the land, ^{License upon property} the amount of such charge or assessment shall be carried out in a separate column or columns opposite to the lot or tract upon which the same may be a lien, and the Marshal may collect and sell, and do all other acts thereto in the same manner as if the amount of such lien was a general tax.

Sec. 23. The Marshal, in addition to such sum as the City Council may allow him, shall be allowed the following fees, ^{Fees for collecting taxes} to wit:

Six per cent. on all sums collected on personal tax of each person taxed; and in case of distress and sale by him of goods and chattels for the payment of any taxes, he shall be entitled to such fees as sheriffs are allowed by law for the sale of goods under execution.

For each certificate by him issued on the sale of lands for the payment of taxes, fifteen cents, to be added to the amount of such tax or assessment and included in such certificate.

For each lot or parcel of land redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or parcel embodied in such certificate, to be paid by the person redeeming before he shall be entitled to redeem.

Sec. 24. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot shall have ^{Tax sales how made} been bid off in the name of the city for taxes for any previous year, and shall at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale and purchase, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof; and if such purchase of the city be not made and executed before ten o'clock of the day following, the bid therefor shall be considered as null and the land again offered for sale.

Sec. 25. When there shall be a sale by the Register of Deeds of Washington County or other county officer, and by ^{Redemption of property sold for taxes} the city Marshal, of any lot or parcel of land, for taxes in the same year, the purchaser of any such lot or parcel who shall be first in point of time may redeem the same from the subsequent purchaser; and in case he should not redeem, the right of the last purchaser shall be held paramount if he obtains a deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale-book of the character in which such person may have so redeemed, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid.

Sec. 26. No person shall be permitted to institute any proceedings to set aside assessment or special tax hereafter ^{Suits to set aside tax sales} levied or assessed upon any lot or tract of land, or to set

aside a deed executed by reason of the non-payment of such taxes upon the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit to his use with the Treasurer the amount of all city taxes that remain unpaid and that have been paid upon such lots or tracts since the sale thereof for taxes by the purchasers, together with the interest and charges thereon.

Deeds for property not redeemed

SEC. 27. When any lands sold for taxes shall not be redeemed as aforesaid, the Treasurer of said city shall, after the expiration of said term of three years for the redemption thereof on the presentation to him of the certificate of sale, execute in the name of the City of Marine, under his hand and seal, to the purchaser, his heirs and assigns, a deed of the lots or parcels of land so remaining unredeemed, and shall acknowledge the same, which shall invest in the grantee an absolute estate in fee simple of such lands—subject, however, to all unpaid taxes and charges that may be a lien thereon. The fees of the Treasurer for executing and acknowledging such deed shall be one dollar and fifty cents.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, &c.

Public squares and streets may be laid out

SEC. 1. The City Council shall have power to lay out public squares, grounds, streets, [lanes,] alleys, and to widen and enlarge the same as follows: Whenever twenty or more freeholders residing in said city, by petition, represent to the City Council that it is necessary to take certain lands within the city for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition, the City Council should thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any; and if such lands or any portion of them shall not be in the actual occupation of any one then the City Council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published, in the official paper, for three weeks successively, once at least in each week, and the publisher of such paper, or his foreman, shall make affidavit of such publication, and deposit the same with the City Recorder.

Public notice thereof to be given

SEC. 2. Such notice shall state [that,] on a certain day therein named, not less than six days from the day of service of such notice, or the expiration of such publication, as the case may be, the City Council will appoint three commissioners to review said premises and to determine whether it is necessary to take the same for the purposes specified in said petition; and at the time specified the said City Council

shall proceed and appoint three reputable freeholders, residents of the city but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises, to be specified in said order, and to make return to the City Council whether in their judgment it is necessary to take said premises for the public use for the purposes specified in said petition.

Sec. 3. The Recorder shall, within three days, notify the said commissioners of their appointment, embracing therein a copy of such order; and if any of said commissioners shall be disqualified from acting, or shall at any time refuse to act, the City Council shall appoint others in their places, whom the Recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice. Notices to commissioners

Sec. 4. The said Commissioners, at such time as they may agree upon, within thirty days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses. Duty of commissioners

Sec. 5. After viewing the premises and hearing such testimony as may be offered, the Commissioners shall make a report of their proceeding to the City Council, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use: which said notice, report and testimony shall be returned to the City Council within the said thirty days.

Sec. 6. Should the Commissioners report that it is necessary to take such premises for the public use, the City Council shall enter an order among their proceedings confirming said report, and directing said Commissioners within twenty days thereafter to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits, and to return the same to the City Council within the time limited.

Sec. 7. The Commissioners, within the time limited, shall again view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby. They shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the commissioners; they shall proceed to make their assessments, and determine and appraise to the owner or other parties having an interest in the premises the value of the premises proposed to be taken, and the injury arising to them respectively in Duty of commissioners

consequence thereof, after making due allowance for any benefits of the taking that such owner or owners may respectively derive from the taking of such property for public use. Such injury, after making such allowance, shall be awarded to such persons respectively as damages.

Damages

SEC. 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to the other column, so that the assessment shall show what amount is to be received or paid by such owner or owners, or persons interested respectively, and the difference only shall in any case be collected of them or payable to them.

SEC. 9. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in it less than estate in fee, the injury done to such person or interest respectively, may be awarded to them by the Commissioners less the benefits resulting to them respectively from the proposed appropriation to the public use.

Assessing damages

SEC. 10. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said Commissioners shall thereupon apportion and assess the same, together with the cost of the proceedings, from the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be; and shall, as near as may be, describe the real estate upon which this assessment may be made. The award of said Commissioners shall be signed by them, together with the testimony taken, and returned to the City Council within the time limited in this order of appointment. Should they fail so to do, they shall receive no compensation for their services, and the City Council shall appoint new Commissioners, unless further time is granted, to the said first appointed Commissioners, which further time the City Council may by order grant.

Collecting assessments

SEC. 11. The said assessment shall be collected by the Marshal in the same manner as he is by law empowered to collect taxes upon personal property, and the return of the Marshal shall be conclusive evidence of that fact.

Further provisions respecting the taking of land

SEC. 12. The land required to be taken for the purpose mentioned in this chapter, shall not be taken until the damages awarded to the owner thereof for the taking of the same shall be paid or tendered the owner or his agent, or deposited for his use with the City Treasurer, in case said owner or his agent are unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds, heretofore opened or laid out, and the damages so assessed shall be paid or tendered or so deposited within eight months of the

confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void, and the benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

Sec. 13. When the whole of any tract of land or other premises under lease or contract shall be taken by virtue of this Act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, upon the confirmation of the Commissioners' report, shall respectively cease and be absolutely null, and the parties discharged therefrom.

Sec. 14. When only a part of a tract of land or other premises so under lease or contract, shall be taken as aforesaid, all the covenants, contracts, and agreements respecting the same upon the confirmation of such report, shall, as aforesaid, be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so apportioned that the part thereof justly and equitably payable for such residue, and no more, shall be paid for in respect to the same.

Sec. 15. When any known owner of any lands or premises affected by any proceeding under this Act, shall be an infant or labor under any other legal disability, the Judge of Probate of Washington county shall, upon the application of the person laboring under such disability, his next friend, or the City Council appoint a guardian for such person, upon whom shall be served all notices required by this Act.

Sec. 16. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath ^{Commissioners} to take oath that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

Sec. 17. Any person whose property is taken, or against whom an assessment is made, may within ten days after the return of said Commissioners to the City Council, appeal ^{Appeal} from such determination of damages or benefits, to the District Court of Washington county, where such appeal shall be tried as in ordinary cases of appeal in said Court; the City Council shall have the same right to appeal.

Sec. 18. Whenever any public ground, street or alley, shall be laid out, widened or enlarged under the provisions of this Chapter, the City Council shall cause an accurate survey and profile thereof, to be made and filed in the office of City Surveyor.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

Sec. 1. All funds in the city treasury shall be under the

City funds to
be under con-
trol of council

control of the City Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by the City Council, and all orders drawn upon the Treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the city treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferrable by endorsement. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this Act.

Actions how
brought

SEC. 2. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of the Act, by-laws, ordinance or regulation under which the forfeiture as claimed, and to give the special matter in evidence under it.

Judgment

SEC. 3. No judgment recovered in favor of the city should be remitted or discharged except by vote of four-fifths of the City Council.

Interested parties

SEC. 4. No person shall be an incompetent judge, justice, juror, witness or commissioner, by reason of his being an inhabitant of the city in any action or proceeding in which the city shall be a party in interest.

City property
exempt from
levy

SEC. 5. The following property now or hereafter belonging to the said city, shall be exempt from levy sale by virtue of any execution, to-wit: all engine houses, hook and ladder houses, and the ground upon which they are situated; all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by the fire company, erected or otherwise by the City Council; school houses and the furniture thereof, and the furniture of the City Council and office rooms of the offices of the city.

Contracts how
to be let

SEC. 6. All work for the city shall be let by contract to the lowest responsible bidder thereof, and the City Council may require of the bidder a bond with sureties for the faithful performance of the contract; due notice shall be given of the time and place of letting such contract.

Elections

SEC. 7. If any election for city officers for any cause should not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending, or absolving said corporation, but such election may be held on any subsequent day; and if any of the duties enjoined by this Act, as the ordinances, by-laws, rules or regulations of the city, to be done by any officer at any specified time, be not done or performed at that time, the City Council may appoint another time at which the said acts may be done and performed.

SEC. 8. The city may lease, purchase and hold real or personal estate, sufficient for the convenience of the inhabitants, and the due administration of the government of the city, and may sell and convey the same at pleasure, and the same shall be free from taxation. ^{Real estate purchase or loan of}

SEC. 9. No general laws of this State contravening the provisions of this Act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. ^{General laws}

SEC. 10. Appeals, certioraris, shall be allowed from decisions in all cases arising under the provisions of this Act, or any ordinances, rules, by-laws, or regulations, passed in pursuance thereof, to the District Court of Washington county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the general laws of this State. ^{Appeal}

SEC. 11. The first election for city officers of the holding of which the passage of this Act shall be deemed sufficient notice, shall be held on the second Tuesday of May next, at the District school house, and be conducted by three inspectors, who shall be chosen by the voters at the poll of election, before said polls are opened; and said inspectors shall be governed by the provisions of Section 6, Chapter two, of this Act.

SEC. 12. This Act shall take effect from the passage thereof.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—July the twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. J. McCULLOUGH, Assistant Secretary of State.